

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

360HEROS, INC.,

Plaintiff,

v.

AFFINITY MEDIA, INC.,

Defendant.

Civil Action No. 21-1230-GBW

MEMORANDUM ORDER

At Wilmington, Delaware this 27th day of September, 2022.

WHEREAS on August 26, 2021, Plaintiff 360Heros (“Plaintiff”) filed the present action, alleging that Defendant, Affinity Media, Inc. (“Defendant”) infringes U.S. Patent No. 9,152,019 (“the ’019 patent”) (D.I. 1);

WHEREAS Plaintiff filed a Request for the Clerk’s Entry of Default pursuant to Federal Rule of Civil Procedure 55(a) (D.I. 7);

WHEREAS on January 5, 2022, Plaintiff’s Request (D.I. 7) was granted and the Clerk entered Entry of Default in Appearance pursuant to Federal Rule of Civil Procedure 55(a) as to Defendant (D.I. 8);

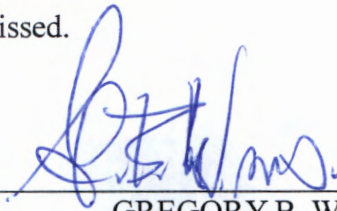
WHEREAS entry of default judgment under Federal Rule of Civil Procedure 55 is a two-step process that first requires entry of default by the Clerk of the Court against a party that “has failed to plead or otherwise defend, and that failure is shown by affidavit or otherwise,” *see* Fed. R. Civ. P. Rule 55(a), followed by entry of default judgment by the

Clerk if the Plaintiff's claim is for a sum certain or can be made certain by computation or otherwise by the Court upon application, *see* Fed. R. Civ. P. Rule 55(b);

Now therefore, IT IS HEREBY ORDERED that on or before October 7, 2022, Plaintiff shall:

(1) certify to the Court that a copy of the Entry of Default (D.I. 8) was mailed to Defendant's registered agent; and

(2) comply with the requirements of Federal Rule of Civil Procedure 55(b) or otherwise inform the court why the case should not be dismissed.



GREGORY B. WILLIAMS
U.S. DISTRICT JUDGE